

REMARKS/ARGUMENTS

Claims 7-8, 11-12 and 19-21 are pending in this application. Claims 7, 11, 12 and 20 have been amended. A new independent claim 22 has been added as result of the amendment to claim 21. Claims 1, 6, 9-10 and 17 have been canceled without prejudice in an effort to expedite the prosecution.

Claim Rejections – 35 USC §102

Claims 1, 6, 9, 10 and 17 are rejected under 35 USC 102(b) as being anticipated by Cuccia et al., US 6,281,219. Claim 6 has been canceled and claim 7 has been amended to the allowable subject matter where L is a bond. With these amendments, the present claims do not read on Cuccia et al., since X₁ and X₂ of Cuccia et al., are never bonds. Claim 21 has been amended to remove the five compounds where L is not a bond and 2 compounds where R₂ is methyl. These 7 compounds have been added to a new independent claim 22.

Claims 1, 6, 9, 10 and 17 are rejected under 35 USC 102(b) as being anticipated by Wood et al., US 6,306,866. Claims 1, 6, 9, 10 and 17 are canceled with the remaining claims amended to the allowable subject matter.

Claim Rejections – 35 USC §103

Claims 1, 6, 9, 10 and 17 are rejected under 35 USC 103 as being unpatentable over Cuccia et al., US 6,281,219. Claims 1, 6, 9, 10 and 17 are canceled.

Allowable Subject Matter

At the suggestion of the Examiner and in an effort to expedite the prosecution, claims 7, 8, 11, 12, 19, 20 and 21 have been amended and rewritten in independent form including all of the limitations of the base and intervening claims. As a result of these amendments, a new independent claim 22 has been added that covers the 7 compounds removed in the amendment of claim 21.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at

an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-812-1796.

Respectfully submitted,

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